

REMARKS

Claims 1-6, 9-17, 19-31, 34-36, 38-39, 41, 43-45 are pending in this application. (Note that claim 42, including in the Action, had been previously canceled.) Claims 1-6, 9-17, 19-31, 34-36, 38-39, 41, 43-45 are rejected. Claims 1, 19, and 29 are amended herein. Claims 9 and 10 are canceled herein. Review and reconsideration in view of the amendments and remarks below are respectfully requested.

Claim Rejections under 35 USC § 112, paragraph 1

Claims 1, 19, and 29 are rejected as failing to comply with the written description requirement. The Action alleges that the term “cutout” has no basis in the specification. Applicant traverses the rejection. Original paragraph 18 states that each pocket has a generally rectangular cut-out. However, if “cutout” is not deemed to be the equivalent of “cut-out”, Applicant has amended claims 1, 19, and 29 to recite a “cut-out.” Applicant respectfully requests reconsideration and withdrawal of the 112 rejection of claims 1, 19, and 29.

Claim Rejection under 35 USC § 112, paragraph 2

Claim 9 is rejected for insufficient antecedent basis for “...said slit edge is pivotable about said crease.” Since “said crease” is already positively recited within claim 9, Applicant assumes that Examiner is saying that “said slit edge” lacks antecedent. Applicant submits that the amended claim 1 now provides proper antecedent for “said slit edge.” The rejection of claim 9 is moot in view of its cancellation.

Claim Rejections under 35 USC § 103(a)

Claims 1-6, 11-17, 19-26, 28-31, 35-36, 39, and 43-45 are rejected under 35 USC § 103(a) as allegedly defining obvious subject matter over U.S. Pat. No. 4,614,450 to Neiman in view of U.S. Pat. No. 5,080,223 to Mitsuyama, and further in view of U.S. Pat. No. 4,345,394 to Sullivan and U.S. Pat. No. 2,333,798 to Kner. Applicant traverses the rejection.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” See, M.P.E.P. § 2143.03 (*citing, In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)*). Amended claims 1, 19, and 29 recite, in part, “wherein said at least one card pocket has a crease such that said slit edge is pivotable about said crease; and wherein said slit edge forms an angle with a body of said card pocket and is shaped to guide said flap thereunder when said flap is moved to said closed position.” This recitation includes language from claims 9 and 10, which have been canceled.

The Action asserts concerning claim 9 that Kner (on page 2, column 2, lines 13-22) discloses the slit edge is pivotable about a crease. The cited excerpt from Kner reads as follows: “The front panel 2 is provided with a substantially centrally disposed arcuate or crescent shaped slot or slit 23 which at its upper edge may be widened as at 24 for finger nail or tip insertion for opening the slit and each of the side flaps 8 and 10 is provided with an opening 25 each adapted fully to register with the other and with slit or slot 23 when the flaps are folded over one another and across the outside face of front panel 2, as shown in Fig. 1.” Applicant disagrees with the Action, since Kner in fact does not disclose the slit edge is pivotable about a crease. For this reason Kner does not disclose the recitation of claim 9 which is now included in Claim 1, 19, and 29.

The Action also asserts “Concerning claim 10, Kner discloses the slit edge forms an angle with a body of said pocket and is shaped to guide said flap there under (figure 1).” However, Kner’s Figure 1 shows the slit edge formed within the plane of front panel 2, not forming an angle with the body of the pocket. For this reason Kner does not disclose the recitation of claim 10 which is now included in Claim 1, 19, and 29.

At least for these reasons, Claims 1, 19, and 29 are not obvious in view of 6 Neiman, Mitsuyama, Sullivan and Kner. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claims 1, 19, and 29.

Claims 2-6, 11-17, 20-26, 28, 30-31, 35-36, 39, and 43-45 depend from independent claims 1, 19, and 29. As dependent claims of non-obvious independent claims, these claims are also non-obvious. See, M.P.E.P. §2143.03 (*citing, In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)*) (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim

depending therefrom is nonobvious.”)). Applicant respectfully requests withdrawal of the obviousness rejection of claims 2-6, 11-17, 20-26, 28, 30-31, 35-36, 39, and 43-45.

Claims 34, 38 and 41 rejected under 35 U.S.C. 1 03(a) as being unpatentable over Neiman in view of Mitsuyama, Sullivan and Kner as applied above and in further view of U.S. Patent No. 6,652,178 to Walton (Walton). Applicant traverses the rejection. Claims 34, 38, and 41 depend from independent claims 1, 19 and 29. As discussed above, amended claims 1, 19, and 29 are not obvious. Claims 34, 38, and 41 depend from independent claims 1, 19, and 29. As dependent claims of a non-obvious independent claim, these claims are also non-obvious. Applicant respectfully requests withdrawal of the obviousness rejection of claims 34, 38, and 41 over Neiman in view of Mitsuyama, Sullivan, Kner, and Walton.

Claims 1, 19, 29, 34, 38 and 41 are rejected under 35 U.S.C. 1 03(a) as being unpatentable over Walton in view of Mitsuyama, Sullivan and Kner. Applicant traverses the rejection. As discussed above, amended claims 1, 19, and 29 recite, in part, “wherein said at least one card pocket has a crease such that said slit edge is pivotable about said crease; and wherein said slit edge forms an angle with a body of said card pocket and is shaped to guide said flap thereunder when said flap is moved to said closed position.” Walton, Mitsuyama, Sullivan and Kner fail to teach or suggest such recitations. Therefore amended claims 1, 19, and 29 are not obvious in view of these references. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claims 1, 19, and 29 in view of Walton, Mitsuyama, Sullivan, and Kner. Claims 34, 38, and 41 depend from independent claims 1, 19, and 29. As dependent claims of a non-obvious independent claim, these claims are also non-obvious. Applicant respectfully requests withdrawal of the obviousness rejection of claims 34, 38, and 41 over Walton in view of Mitsuyama, Sullivan, and Kner.

CONCLUSION

Claims 1-6, 11-17, 19-26, 28-31, 34-36, 38-39, 41, and 43-45 are believed to be in condition for allowance, and an early notice thereof is respectfully requested. Should the Examiner determine that additional issues exist which might be resolved by a telephone conference, they are respectfully invited to contact the Applicant's undersigned representative.

The Commissioner is hereby authorized to charge any additional fees required, including any fee for an extension of time, or to credit any overpayment to Deposit Account 13-2500. The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this Application which requires an extension of time as incorporating a request for such an extension. Applicant is a large entity.

Respectfully submitted,

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